

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LEE DOZIER,

Plaintiff,

v.

C. W. BROWER INC.,

Defendant.

No. 2:22-cv-02315-CKD

ORDER

Plaintiff filed a civil complaint alleging disability discrimination on December 30, 2022. (ECF No. 1.) This matter was assigned to the undersigned under the court's automated case assignment plan. See Local Rules, Appendix A, subsection (m). The alleged disability discrimination took place in Stanislaus County, which is part of the Fresno Division of the United States District Court for the Eastern District of California. See Local Rule 120(d). This action will be transferred to the Fresno Division of this court, accordingly.

The federal venue statute provides that a civil action "may be brought in (1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or (3) if there is no district in which an action may otherwise be brought as provided in

1 this section, any judicial district in which any defendant is subject to the court's personal
2 jurisdiction with respect to such action." 28 U.S.C. § 1391(b).

3 If a court determines the appropriate venue for a case lies in another division or district,
4 the court "shall dismiss, or if it be in the interest of justice, transfer such case to any district or
5 division in which it could have been brought." 28 U.S.C. § 1406(a). Relatedly, "[f]or the
6 convenience of parties and witnesses, in the interest of justice, a district court may transfer any
7 civil action to any other district or division where it might have been brought." 28 U.S.C. §
8 1404(a). A court may raise and decide the issue of venue sua sponte. See Costlow v. Weeks, 790
9 F.2d 1486, 1488 (9th Cir. 1986); Wood v. Santa Barbara Chamber of Commerce, Inc., 705 F.2d
10 1515, 1523 (9th Cir. 1983).

11 Here, the named defendant is C. W. Brower Inc., doing business as Stop N Save Grocers
12 & Liquors in Modesto, California. The alleged disability discrimination took place at Stop N Save
13 Grocers & Liquors in Modesto, California, which is in Stanislaus County. In the interests of
14 justice, the Fresno division of this court is a more appropriate venue because the events giving
15 rise to the claims took place within that forum. See 28 U.S.C. § 1404(a).

16 In accordance with the above, IT IS HEREBY ORDERED:

- 17 1. This action is transferred to the United States District Court for the Eastern District of
18 California sitting in Fresno.
- 19 2. All future filings shall reference the new Fresno case number assigned.
- 20 3. The Clerk of the Court shall close the Sacramento case.

21 Dated: February 6, 2023

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23 CAROLYN K. DELANEY
24 UNITED STATES MAGISTRATE JUDGE

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